

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 15, 2013**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

**Mr. Flaherty requests having a moment of silence for the victims of the Boston tragedy today.**

## **OPEN FORUM**

**Regarding Out of State Vehicle Registrations Who Reside in RI**

**Mrs. Claire O'Hara found out the process of the tax assessor's whose job it is to inform those people who reside in RI but have out of state vehicles ie; Massachusetts, Connecticut and Florida plates are those vehicles that are being used daily. She referred to the new developments who still have out of state plates and are bringing their children to school. She stated they have done this before and suggested hiring a person from the town to investigate those people that have out of state vehicle plates and who live in North Smithfield. She suggested to find out what is going on and whatever is collected, give that individual a percentage. She feels that the town is missing out on a large amount of revenue on the out of state vehicles.**

**Another request she had was that in order to get new sidewalks, the highway department had to cut down the trees on Summit Avenue and commented that the highway department planted trees and never took care of them, on her side of the street. She and a neighbor took care of them. They planted the same trees that they fought to cut**

down. Last fall she noticed that every branch that abuts the curb was cut. The information she received was that the town did it because when they plow, they didn't want to hit these trees. When the town plowed back in year 2010/2011 there was a lot of snow that year and only once that there was a one lane road, when they plowed within three feet from the curb. She has taken care of the trees by pruning them and even during ice storms and now they are one sided trees. She commented that she doesn't know the reason why and she has stopped by the highway barn several times to ask who did it and she is thinking of replacing those trees at her own expense at this time. She doesn't think that the trees will survive.

Mr. Bob Thurber of 20 Brian Avenue asked if the public can ask questions regarding the Branch Village sewer project that is listed on tonight's agenda.

Mr. Flaherty answered that he is not opposed to having the public speak or make comments regarding the Branch Village project and expressed that they have a full agenda but they won't prohibit those people who want to speak.

### Disclaimer

Mr. Flaherty read the following disclaimer: "The Town Council meeting is being filed by a town volunteer. We appreciate his efforts to allow residents to view these proceedings on local cable either on Friday or Saturday afternoons. The town is not responsible for the

taping.”

Mr. Flaherty noted that Councilor Alves also wanted to make a statement under the open forum portion of this meeting.

Ms. Alves of 120 Follett Street referred to the meeting on March 18 regarding one council member’s comment made when they were discussing the topic of “We The People” stated the following: “This is a little different than a little league coming forward as this group has put their heart and soul into this and there is a large number of them.”

Ms. Alves continued to say that she’ll invite anyone to go to Pacheco Park on any night during the week or any weekend day and see the numerous teams that are involved in the town’s little league program and sit back to watch the mixed bag of emotions that go along with this sport and any time there is a great deal of joy and a great deal of sadness that can come over a field at any time. She would like to thank the board members of the North Smithfield Little League, the many coaches who volunteer and give the extensive amount of their time, the parents who spend many nights at the field and also the players who put in many hours per week for practices and games and give it their all and in other words they give it their heart and soul.”

April 15, 2013

## **REGULAR MEETING**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. Zwolenski and Mr. Flaherty. Mr. McGee and Mr. Yazbak were not present at time of roll call. Also present were Town Administrator Hamilton and Town Solicitor Lombardi.

## **ENTERTAINMENT LICENSE – H & C FOODSERVICE LLC D/B/A BOB & TIMMY'S GRILLED PIZZA**

Ms. Hamilton commented that everything was in order and she doesn't see any reason not to approve it.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a roll call vote to approve the entertainment license.

Mr. McGee arrived at 7:05 P.M.

## **BUDGET COMMITTEE'S PRESENTATION OF FY 2013/2014 BUDGET**

Mr. Flaherty commended Mr. Clifford and the Budget Committee on being very thorough in their analysis and thought that it was very well done.

Mr. Clifford commented that they will have the opportunity to continue on working on the budget beyond the April 8 deadline. He is looking forward to June, when they will be giving a comprehensive

**presentation. For this evening's purposes, they need to just focus on their items in their budget report that they need to have some direction from the town council on going forward and there are some issues that are time sensitive and they need to have some decisions made. He will focus on just those items that are relative to make decisions immediately and those items that they need direction on.**

**Mr. Flaherty suggested that since it is a public document and it was given to the town clerk in advance of tonight's meeting, but since the town council had not received it, they decided to wait to publish it to the town's website.**

**Mr. Clifford agreed with Mr. Flaherty that he didn't have a problem with posting it on the town's website and thinks it is a great idea. He referred to page three of the document, paragraph three and read the following: "Following the recommendation of the RI Auditor General which states, School districts which are part of the primary government of a municipality shall be included in the municipalities post-audit and shall not be required to obtain a separate post-audit. RIGL Section 45-10-4," the Budget Committee recommends that North Smithfield use a single audit contract for the FY 2013 audit." He explained that the town of North Smithfield is the only town in the State that uses two separate auditors. We contract one auditor to do the audit of the municipal side and when he does that audit, they rely on the audit report done by the school department's separate auditor because the school department is a department of the town. He**

continued to say that every other town in Rhode Island, hires one auditor and that auditor represents the interest of the town and does the audit for the municipal side as well as the school department budget. When they saw separate audit reports starting out in the process, it raised a red flag in their minds as to why that would be. And to illustrate and see that this was supported by the RI General Auditor's office, he referred to page 17 of the document an e-mail from Lori A. Gelfusco, Principal Auditor from the Office of the Auditor General from the State of RI and reads the last paragraph of the e-mail; "The Town of North Smithfield and the North Smithfield School Department, as of the last audit cycle, still contracted separately for audit services. As this office believes it is desirable to have one contract, we advised the Town and the School Department that once the contracts expired they should submit a request to our office for one audit contract." He explained that the Auditor General has to approve the bid specs for the audit to be done. He explained that the town and the school department are on different cycles. The town is at the end of their three year contract and the school department has one more year on their audit contract. According to what they were told about the contracts by the town's auditor, all contracts written for audits are written for three year periods. He continued to say that however the body that the audit is being done for has the option to extend for the second year and the option to continue for the third year.

April 15, 2013

Although they are three year contracts what they have been told, the party who's contracted for that service can opt out of a second or third year, since this is the end of the third year cycle for the town and the school department still has another year that they can exercise an option to go with the same auditor. They are recommending that the town council request the school department not approve a third year extension and not exercise an option for year three for the audit and too immediately starting this summer for FY 2013 audit, have the audit done by one auditor who is representing the interest of the entire town. He expressed that it is a recommendation supported by the Auditor General's office. He reiterated that North Smithfield is the only municipality who does this within the State. All other municipalities have one auditor for both departments. He stated that because since either department is not on the same cycle, and both contracts continually expire on different dates, he would like to see the town council pass a resolution or send a letter or request to the school department asking them not to exercise the option of continuing with their auditor for FY 2013. And have it immediately go out to bid for the FY 2013 audit with one auditor. He also met with Mr. Robert Civetti, the Principal of Braver Accounting Firm, who is the town's auditor and he received a letter dated March 26, 2013 reaffirming what he has just shared with them. He stated that it is a recommendation supported by the Auditor General's office and Mr. Civetti strongly suggest that it is recommended. He also states that it is imperative that this get done as quickly as possible.

**Mr. McGee asked why did they have two auditors.**

**Mr. Clifford responded by saying that isn't best practice to have two auditors, as he explained that the auditor for the school is the client of the school and the auditor for the town is the client of the town and sometimes those interest conflict and they thoroughly believe they should have one auditor. The way it got started they were told was that they bid and awarded the contracts separately one year instead of bidding it one contract and put the bids out as two different audits and one auditor bid came in lower on the municipal side and a different auditor came in as the low bid on the school side and it has been that way ever since. He also commented that the audit report has to represent the interest of the town as a whole.**

**Mr. Clifford stated that the second recommendation that they would require town council action for as he referrrd to page 3 is that the Budget Committee recommends the Town Council consider creating a Special Revenue Fund on the Municipal side to support the school athletic programs. Athletic programs are usually targeted for elimination if the proposed school budget is not approved, e.g., the school department's FY14 budget proposes an increase of nearly one million dollars yet a \$40,000 sports program has been identified as a "Tentative Reduction". He continued to read stating that the threat of losing sports tugs at the heart strings of the community. Ensuring funding for these programs will require the school department to**



offer alternative reductions more acceptable to the community. He referred to a letter of March 26 received from Robert Civetti, Principal, Braver PC page 13 and he describes the mechanisms of what had to happen and how to do it and the budget committee is asking for some consideration to this and if they consider it, they will factor that in for June when they continue to work on the budget and stated that the \$40k sports program is on the list for elimination.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an roll call vote requesting to send a letter to the School Department asking them not to renew their FY 2013 audit based on communication received from Lori A. Gelfusco, Principal Auditor of the Office of the Auditor General, State of Rhode Island under RIGL Section 45-10-4.

Mr. Clifford continued to say that the school department is requesting the full 4% appropriation from the local appropriation of a 4% increase over last year. The budget increase they are looking for seems to be somewhat higher than most of other districts within the State that they are looking for. They looked at other communities within Rhode Island and they are requesting much more modest increases. They would like to remove that from the table and commented that for their School Department operating budgets they are talking about eliminating a \$40k

April 15, 2013

sports program. He continued to say that one of the possible reductions that the school did identify as perhaps being necessary to reconcile with the appropriation that they are looking for is to eliminate department heads. They identified a cost with that of only \$60k. And the cost of a department head program is far greater than \$60k. He stated that \$60k represents the stipend that you pay those people to be department heads. For each of those department heads, they have a reduced teaching load. He explained that they teach four classes per day as opposed to five. When looking at the cost of a department head program, you should factor in one fifth of a department head's top step teacher's salary plus the stipend that is paid. The cost of that department head program is well over \$200k. He continued to breakdown what a department head might get including the stipend and benefits that could be in excess of \$100k. And now one fifth of that is what they are going to be compensated at to do the duties of a department head. That is a program that they identified as a tentative reduction that maybe necessary they identified the cost savings would only be \$60k and stated that it wasn't accurate. He stated that the costs savings would be significantly more. Because there would be seven people teaching one period a day more and he continued to say that it is one whole teaching position collectively. He commented when they put the sports cut out there, it prevents them to do an accurate analysis of what else they could do effectively to reduce their costs. He noted that is what their belief as to why they considering moving the athletic funding if they keep it on the table as a possible reduction.

Mr. Clifford referred to page 4 of the School Department's Budget and commented that there are some problems with estimating of what their expenditures might be especially with Special Education out of District placements. The Budget Committee line items might be slightly over budget. The School Department appears to be using higher estimates to cover potentially unanticipated expenses. He continued to read that the Budget Committee recommends that an amount identified by the Budget Committee be built into the Municipal Contingency fund to cover unanticipated extraordinary costs based on the following rationale: Allowing the school department to budget for unanticipated expenses that do not occur, will artificially inflate the town's Maintenance of Effort (MOE) going forward. Budgeting for this potential expense in the municipal contingency fund will constrain the MOE. In the latter case, the balance at the end of the year will simply roll over into the surplus on the municipal side. The maintenance of effort is the degree of funding that the town gives to the school department. Once the town gives that amount of money they have to maintain that amount of effort. If the town is giving them money for possible expenses that they might incur, that becomes the standard for the maintenance of effort. If money is given for possible out of district placements and the town increased the amount of effort, they can't go back. He explained that if they fund that on the municipal side in the municipal contingency fund and they request the funds as they see the need and get a student in district who needs placement that was budgeted,

then they could be provided with those funds as an on need basis on the municipal side and they wouldn't be distorting the MOE in any way. He commented that they would like to investigate that further. When he met with the town's auditor he said yes that it can be done and referred to page 12 of Mr. Civetti's letter and he noted that Mr. Civetti did recommend that several of these recommendations need to be discussed with the town solicitor and to make sure that they can do them legally. And he noted that in Mr. Civetti's opinion, it maybe something that they may choose to explore.

Mr. Clifford referred to page 4 and that the next item was a bond that was floated for energy conservation. He read the following: "Several years ago a bond in the amount of \$3,550,000 was approved to provide significant energy saving initiatives for school buildings. Under the agreement, the school department budget includes a portion (\$172,095 in FY 2012) of the bond repayment which is then transferred to the town. Theoretically the school's portion of the bond repayment is to come from energy "savings". The reality is that "savings" only occur when the school department over budgets the cost of utilities. This results in an inflated operating budget that the town then funds. In essence, the town gives the school department the money to pay the town back for the bond.

April 15, 2013

The Budget Committee proposes that the bond repayment be funded in the municipal budget. It is not an additional expense and the net

cost to the town would be zero. This process would eliminate the need for the transfers. The current repayment plan artificially raises the Maintenance of Effort for the school department by the amount of the bond payment (for FY12 \$172,095). In some years, savings from the inflated cost estimates can actually be greater than they need to be in order to cover the bond repayment and this money becomes available for the school department to spend. Even when the bond repayment is finished, the bond repayment amount will be permanently built into the MOE.” Mr. Clifford explained that their share of the bond repayment is what the town gives them. The budget has inflated costs for the heat and utilities for two of those school buildings only so they can turn around and give the town back the money. In the FY 2014 budget, by their estimates, the utilities and electric costs for those two schools that had these energy conservations measures done to them, those costs are approximately \$225k greater than they need to be. He explained that the bond payment for next year is in the neighborhood of \$164k. They are building a cost that will ensure that it covers the cost of their utilities for those two buildings plus gives them some money in the amount of \$164k to pay back the bond. It appears to them that it is \$225k over and using this year as an example and their bond repayment is only \$164k, then they will make a little money and they will have that available to spend outside of the regular budget. It wasn’t going to be a savings in cash; it is just inflating the costs so they have the money to pay back the town. Mr. Civetti did comment on page 15 of his letter and they did discuss all of these ideas with him before coming

**forward.**

**Mr. Flaherty stated that Mr. Civetti is a principal with Braver PC, the town's auditing firm.**

**Mr. Clifford stated that they met with Mr. Civetti and he does have experience in both municipal budgeting and school department budgets and some auditors in his firm that do not have experience working with school departments, that is why they asked to meet with him. They are aware that there are contracts with Johnson Controls who guarantees the reduced utilities costs for those buildings and are proposing this subject to review by the town solicitor, a meeting with Johnson Controls and a meeting with the school department so they can work this out. He commented that it would substantially reduce their budget if the bond payment was taken away and lower the utility costs for those two buildings and would lower it and by their estimate in the amount of approximately \$225k. He asked the town council if there would be any objections if they continue to explore these options going forward or have a concern to anything they suggested and going forward and investigate possibly the extraordinary costs on the municipal side and using more realistic numbers on the school department side for actual projected expenditures which is one of their issues and the other is the bond issue.**

**Mr. Flaherty complimented the budget committee on their countless**

hours and hard work and commented that the budget committee is not out to short change the school in any way and as a result have a less effective school department and appreciates the value of having a good school system and explained that hopefully people are not equating this discussion to cut the school system budget way down, that this is not what this is about.

Mr. Clifford stated that he is a former educator and three other committee members have degrees in accounting and they have analyzed the budget in more detail than other budget committees may have in the past given the configuration of the budget committee. And raised some concerns in their minds if it is best practice or not. He continued to say that on the municipal side, they don't need direction from the town council because it doesn't impact how they go forward with the budget. The School Department lines will impact how they go forward with the budget from here until June and that is why they are focusing on the School Department. He referred to page 5 which states the following: "The School Department unrestricted budget does not identify several sources of revenue. The Budget Committee recommends all anticipated revenues be recognized within the operating budget." He continued to

**April 15, 2013**

provide an example regarding Medicaid reimbursement. He went on to read that "additional sources of revenue that possibly should be

identified are: rental income-fields and buildings, tuition from local education agencies and other miscellaneous revenues. He referred to page 10 on their report and page 2 of Mr. Civetti's letter and asked him to review the audit reports from previous years confirming their understanding of the audit reports. Under section (c) he read the following: "During fiscal 2010 and 2011 these unbudgeted revenues (including Medicaid) totaled \$495,055 and \$516,033 respectively. I recommend that the budget submitted by the School Department include all anticipated revenue."

Mr. Clifford continued to say that what they discovered on the revenue side, they asked several times for the projected revenue from the School Department and they received a sheet that read local appropriation and the dollar amount, governs proposed budget and the dollar amount and group home tuition \$120k. It did not have any of the revenues that they have been discussing, such as Medicaid reimbursement which is approximately for North Smithfield \$200k/year, rental of fields and buildings which is about \$40-\$50k, although last year's audit report shows it being \$160k and he is sure that they had to have something else in there from revenue other than rental of fields. He explained that for several years, the town has approved a budget thinking that this is what the budget amount is and that is being approved for the schools and that is what is going to be spent and it is based on the revenue picture that is listed the three sources of revenue. What has happened is that all of these unrecognized revenue sources that the school department receives



during the school year allows them to spend more than what the appropriation was that was set by the town. He commented that the school department hasn't lived within the budget that was approved by the town, not when there is a cushion of several hundreds of thousands of dollars in miscellaneous revenue that isn't identified in the beginning of the budget process. He also commented they checked in other communities at the school department budget and on their revenue page, Medicaid, rental of fields, and tuition from kids coming into the district, those are listed in every other district's budget as sources of revenue, and of every dollar that is collected from those other sources from revenue it is one dollar less that they have to take out of tax dollars to pay for the school systems operations. When talking about several thousands of dollars that could possibly reduce the local appropriation that the town has to raise through taxes by that amount of money. He also stated that he doesn't know when it stopped being recorded as revenue, but it hasn't for quite some time now and the auditor for the town believes it needs to be. It should be recognized as revenue and factored into the development of the budget.

He mentioned that it is practice for every other district that they looked at their budgets that all of those items be placed on the budget. When this was discussed at a meeting, the business manager for the school department said they couldn't list those items because they are estimated, but Mr. Clifford commented that if you have received the same amount of money the past five years in

Medicaid and they probably can estimate that they would receive that same amount for next year, but they didn't get it. When the Budget Committee asked for a second request for a list of all of the revenue and they received the same sheet that said local appropriation, state aid group home and the third time, they sent a list of questions for the school department to respond to, when they asked for all sources of revenue, for what they anticipate receiving in FY/14, they basically wrote a statement in the written response, we refer you to the FY/12 audit report and gave them cash receipts report for February of this year. The FY/12 audit report shows what they collected for revenue for FY/12 but it doesn't tell them what they anticipate on collecting for FY/14 and the cash receipts report that they saw only shows them the revenue they collected as of February for this year, it doesn't show them what they are going to collect for the total year and it doesn't address FY/14. They want to know what is the revenue anticipated from all sources for FY/14. This year they would like to see all of the revenue listed and when they come up with the local appropriation necessary through tax dollars to support the School department, the Budget Committee would like to subtract those other revenues from it so they don't have to over tax people unnecessarily.

April 15, 2013

Mr. Flaherty commented that the Budget Committee's report is very lengthy, very thorough and it is very well done and he wants to discuss the process and timeframes and expressed that they are getting some time to get into these things in greater detail, and the

**Committee has asked them for very specific requests and which have been granted and people have some concerns and they were able to pursue some of these recommendations and they are getting full support from the town council. He has been very impressed with the level of detail and the homework that the Budget Committee and the research of other school districts and obtained records and compared them to the Town of North Smithfield. He has no questions at all with the process they followed. They took it upon themselves to get approval from the Administrator to speak with the town auditor to run the ideas that the Budget Committee developed.**

**Mr. Clifford continued to read from page 5 the following from the Budget Committee's report: "In addition to the issue of unidentified revenue, it appears that a variety of credits against costs are not defined and identified within the School Department Budget. The Budget Committee recommends that all anticipated credits and reimbursements be identified within the School Department Budget."**

**He provided some examples on RIDE Non-Public Transportation credit offset to Private School Transportation (FY14 \$25,204), E-Rate Reimbursement credited by RIDE against the Internet Connectivity line item (FY13 \$8,359), Non-Public textbook reimbursement (FY13 \$6,121) and credits (FY13 YTD \$60,867) for the purchase of Transportation fuel from a source yet to be determined. These types of credits may be the reason that certain accounts end up with actual expenditures for the year being far less than what was budgeted." He provided an example and thinks that what is budgeted for next year**

for the transportation fuel is \$150k and when they looked at the year to date expenditures for the transportation fuel, it is significantly less than that. It didn't look to them that it would be possible to get to the \$150k. They asked the question as to why is it that the transportation fuel item is budgeted so high. What was budgeted for FY13 is \$163,940. And to date that has been spent as of February 28 is \$68k. When they compared the actual expenditures from the prior year for the transportation fuel and the actual budgeted amount for this year and the amount spent year to date, the amount budgeted of \$163k, it didn't look like that amount was going to come close to the \$163k and they are proposing \$152k for next year. When they received their answer to that question, from them they did disclose was yes they purchased \$128k worth of transportation fuel at this point but they also received credits from RIDE (RI Department of Education) for their use of 15,838 gallons in the amount of \$60,867. He stated that there are lots of these credits that don't show up in the budget and asked particular questions by comparing prior year's expenditure history, the year to date expenditure history and it wasn't adding up. They want those credits clearly disclosed in the budget document so they can identify all of them. And they want the numbers that those credits are used to reduce the expenses for and want those budgeted numbers to reflect those credits coming in. Referring to page 14 of his report when speaking with Mr. Civetti, he acknowledged that yes they need to identify all of the credits and be aware of what they are. He pointed some out on the State aid. They did meet with a representative from RI Department of Education (RIDE) after finding

out about them and went over the questions they had and how they can find out about them in advance and going forward. He commented that what they want for a budget is a budget that is developed with a great deal of transparency and accuracy to it and they don't want to budget for the things that they don't need to be budgeting for.

Mr. Clifford discussed the municipal side of the budget and brought up the topic of road re-pavement and that there was \$125k put aside for that and commented that the town hasn't resurfaced roads in years. He feels that they nickel and dime on the municipal side to come up with that money so they could budget that money. They looked at the prior year expenditure history for every single line item on the municipal side. Another example he supplied was that if they were budgeting \$1,500 for office supplies and looked back at the prior 3 years and only \$500 was spent, they reduced the appropriation to \$500 as he explained that is what a three-year expenditure budget history allows you to do. He commented that the school department budget was very

**April 15, 2013**

difficult to do an analysis because a three-year expenditure history was not supplied. He commented that they did receive the FY12 expenditure history a month later than their request and received some information by line item but not all of the information they

requested, and that they may not have discovered the things that they discovered if they hadn't received information to their questions as far as credits, reimbursements, the transportation fuel and the energy bond issue. They are requiring more information going forward from both the municipal side and the school department side than just one or prior year of expenditures history. He stated that they also need to meet with the School Department face to face and haven't had the opportunity yet because of waiting for the reconcile budget and not having it in front of them. He explained that they did send their list of questions to save time to them so they could respond and it took fourteen days for them to respond and that came right before the week before their deadline for submitting their budget to the town council and that is why they are not ready to make a recommendation on the School Department budget. He sent an e-mail to the Superintendent last Tuesday of the School Department and asked him to supply them with a few dates to meet and provide him with some dates but he has not received a response as of yet. He commented that coordinating these meetings will be troublesome unless they are given a priority.

Mr. Flaherty suggested scheduling a workshop with them to include the Budget Committee and School Department. He asked who was going to execute that letter to the School Department to request them not to renew their FY13 audit contract with their auditor that was motioned by the town council.

**Ms. Hamilton stated she would execute the letter and have them both sign it.**

**Mr. Clifford feels that it is imperative that they meet with the School Department as soon as possible so they can get the answers to their questions. He also noted that he received approval for payment from Ms. Hamilton to talk with Mr. Civetti and that it may be necessary to use his services and his expertise in the future again to assist with coming up with the analysis of the actual expenditures and the revenue if they can't determine the appropriate revenues. They may have to meet with him from time to time to have him review the prior year's audit reports and to help arrive at some of those numbers on the expenditure side and he wants to fore warn people that they may need his assistance. He commented that after this year, it may become easier because there are so many things that need to be nailed down.**

**Mr. Flaherty asked members of the council if they had any objection to the Administrator's authorization to engage Braver, the town's auditor to help and answer any of the outstanding questions.**

**Mr. McGee asked how much is a meeting and for how long is he used for?**

**Mr. Clifford stated that the auditor charges \$165 per hour and if they use him for approximately 20 hours, the cost could be over \$3,000.00.**

**He stated that the one meeting they had with him that confirmed to be true was well worth the money spent. He feels that what they get from Mr. Civetti will save money for the town in the long run.**

**Ms. Alves asked the finance director Mrs. MacDonald if there was any money in the audit line?**

**Mrs. MacDonald's response was that she thinks that there is some money remaining in the budget's audit line item.**

**Mr. Clifford doesn't anticipate a large number of hours needed from Mr. Civetti at this point in time, and if they do need a large number of hours that they can come before the first town council meeting they have in June.**

**Mrs. MacDonald will bring the available balance for the audit line at the next town council meeting.**

**April 15, 2013**

**Mr. Flaherty would also like to have this information put up on the town's website as soon as possible and he commended the Budget Committee on a job well done.**



**PUBLIC HEARING RE: TENTATIVE CONTRACT AGREEMENT WAGE REOPENER FOR RI COUNCIL 94, AFSCME, AFL-CIO, LOCAL 937**

**Mr. Flaherty requested to move down the discussions on both the tentative contract agreements for Local 937 and 410 and asked if anyone had any objection because Mr. Yazbak maybe late and he is the town council liaison for the Police and Fire contracts unless there are any paid consultants who are waiting on this and after speaking with other council members, they decided to proceed.**

**Ms. Hamilton stated that as per the new ordinance, this is for the municipal employees union, includes office staff, highway, and dispatchers. They are proposing an increase of .65¢ per hour raise and going back retroactively to July 1, 2012. This is in response to the wage reopener that was in the contract period July 1, 2010 to June 30 2013. This is the second time this has been presented to them and the fiscal impact total for 2013 would be \$21,710.55.**

**Mr. Bryan Dunton explained the hourly wage comparisons report provided between other towns for the municipal and police employees and how North Smithfield ranks very low compared to other towns.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4-0 on a**

roll call vote to approve the sixty five cents (.65¢) per hour retro-active increase to July 1, 2012 to the Town of North Smithfield workers covering at the town meeting consisting of office staff, highway and dispatchers.

**PUBLIC HEARING RE: TENTATIVE CONTRACT AGREEMENT WITH INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS, LOCAL 410**

Ms. Hamilton explained that this is a combination of two contracts. One is to eliminate a potential arbitration that has been remaining for the past year on their three year contract which will be ending this June and the other is going forward for another three years on their contract. She explained that they would keep the third year of the original contract intact without any modifications whatsoever. That would have brought the department to four years with no salary increases. But they would manage something going forward if this is approved, the arbitration would be eliminated that would save the town money and they would not have to pay any salary increases if the town agreed to that for the last year of their contract. She continued to explain that the wage sheets address the medical co-share and the salary increases. The wage sheets show two percent (2%) as of July 1, 2013 increase in salary, two percent (2%) as of January 1, 2014, 3.75% as of July 1, 2014 and 3.75% as of July 1, 2015. The buy back for those not getting health insurance would be \$2,500.00 as opposed to \$5,000.00. For those hired prior to July 2, 2003 would have a 7.5% co- share and in year three, 10% and 20%

**co-share for new hires after July 1, 2013 and 15% co-share hired after July 2, 2003.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted on a 4 to 0 roll call vote to approve the 2012 and 2013 contract with no changes to it.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted on a 4 to 0 roll call vote to approve the 2013, 2014, 2015 contract as outlined on the wage sheets that shows two percent (2%) as of July 1, 2013 increase in salary, two percent (2%) as of January 1, 2014, 3.75% as of July 1, 2014 and 3.75% as of July 1, 2015 and to include the changes to the buyback for those not getting health insurance would be \$2,500.00 as opposed to \$5,000.00. For those hired prior to July 2, 2003 would have a 7.5% co- share and in year three, 10% and 20% co-share for new hires after July 1, 2013 and 15% co-share hired after July 2, 2003.**

**April 15, 2013**

**Mr. Flaherty clarified that the process is that the town council is ratifying the contract and the Town Administrator is executing the contract.**

## **FRAMEWORK FOR CONSIDERATION OF FUTURE GRANT REQUESTS**

**Mr. Flaherty explained that they have had requests in the past for grant assistance in the town and the town council felt strongly about having some framework to guide them in making decisions and he referred to Ms. Alves who prepared a six point procedure for requested donations.**

**Ms. Alves read the following procedure that she prepared for requested donations: “1.) There needs to be monies budgeted in the line item of donations each year, such as approximately \$2,500-\$3,000. No more donations will come out of contingency. 2.) If the budget of this line item is depleted during the course of the fiscal year, then there will not be any further requests for donations granted. 3.) Should there be monies remaining in this line item at the end of the fiscal year, the Finance Director will have the authority to reallocate these funds to another line item. 4.) When a donation is requested from a Group/Organization, they need to do the following: Send a request to the Town Clerk stating that they would like to be put on an agenda in order to request a donation. They should include a letter of the Group/Organization and give a description. Advise how many people are in the Group/Organization. Also describe what the donation would be used for. If there has been a donation given by the Town Council in previous years, they would need to list the year and the amount of the donation given. Next, include a copy of the**

**Group/Organization's 501c3 form. 5.) There will be a donation cap for each Group/Organization for each year of \$500 and 6.) Once the Group/Organization comes before the Town Council, and if the donation is approved, then the donation will be processed and sent out within 30 days."**

**Mr. Flaherty stated that there is a category in the budget for Grants and Donations that includes "We The People" and the "North Smithfield Mini Bus" is in that category.**

**Ms. Hamilton read from the budget what was listed in that category and the total for all of those listed in the budget from last year is \$48,350 which the majority is the mini bus.**

**Ms. Alves suggested figuring on increasing that line item by \$2,500 or \$3,000 or whatever is done at budget time and to list them under miscellaneous donations.**

**Mr. Flaherty commented that the school department has their own resources that they draw on occasionally for the grants and donations and it is done by the Town Council who makes that authorization. He commented that there are a lot of talented students in the community who are hardworking and are making all sorts of great achievements. He stated that as a town they want to continue to encourage and nurture and do it in a way that is fair and in a way that is not going to come to the expense of the next requestor.**

**Mrs. MacDonald stated that they could call them council donations.**

**Mr. Zwolenski commented that it was discretionary depending on what the need is.**

**Mr. Flaherty referred to the line that they will need to provide a copy of the 501c3 form but there will be some entities that are not a 501c3. His suggestion is to remove that request.**

**Mr. Zwolenski wants to keep that requirement on the procedure and add the word if applicable to the 501c3 form and wants to accept the amount of \$5,000 but then decided to have it subject to change every year when the budget is done.**

**MOTION by Ms. Alves, seconded by Mr. McGee and Mr. Zwolenski and voted on a 4 to 0 aye vote to approve the procedure for requested donations through the Town Council for the framework for consideration of future grant requests.**

**April 15, 2013**

**Request for Funding Assistance for NS High School DECA Chapter/Ms. Forti**

**Mrs. Carol Nasuti of 5 Lincoln Drive spoke on behalf of DECA and stated she has nothing to do with DECA, she just received a text**

message from Max Forti, President of the school DECA program and that he is currently on his college search in Florida. She continued to read his

text which states that in the business world you would join the DECA program and there are eight students going from North Smithfield out of 15,000 and out of 150k DECA students nationwide and he continued to say that it is expensive and some families are sending more than one child and he is requesting whatever they can give for a donation, he would appreciate it.

Mr. Flaherty continued to say that this is for the “2013 DECA National Conference and Competition this year being held in Anaheim, California from April 23 to April 28. There is a team of eight North Smithfield high school students along with their advisor who will be attending the six day conference and competition. All students have won at the RI DECA State level, the right to represent Rhode Island and North Smithfield High School and to compete alongside with over 15,000 students from North America. The cost to attend the event along with travel and hotel will cost each student approximately \$1,300. Six of the eight students are seniors and will be attending college in the fall. And they have limited time to fund raise.”

Ms. Alves asked if there were any funds available.

Mrs. MacDonald stated that there is nothing in the donation line available at this time and there may possibly be some funds in the

**fourth quarter.**

**Ms. Hamilton stated that going forward, they would allow themselves a little buffer. She suggested that the only thing that they could do is place this on hold and she will send Mr. Flaherty an e-mail over the next several days or within 24 hours and asked the council for a number so they can see where they might find the money.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and voted 4 to 0 on a roll call vote to give DECA a donation of \$500 with the contingency that the Finance Director can find the \$500 in the budget and she will let them know within 24 hours and Mr. McGee will guarantee \$500 if it can't be found.**

**Mrs. Nasuti thanked the town council on Matt's and DECA's behalf.**

**MOTION by Mr. Zwolenski, contingent upon finding funds try to assist Christopher Forbes in the Sound of America Honor Band European Tour.**

**Mr. Zwolenski withdrew his motion for lack of a second.**

**Mr. Christopher Forbes explained to the town council that he is the first person from North Smithfield in ten years. He explained the process of how he qualified for the Sound of America Honor Band European Tour. He stated that it is very difficult to get into and it is**



based on your musical ability and your character and your academic records. It is a great honor to be selected and informed them the countries of where he will be performing.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on a roll call vote that contingent upon finding the funds and possibly of raising \$500 and try to assist Mr. Christopher Forbes in the Sound of America Honor Band European Tour to represent the Town of North Smithfield.

Mr. Zwolenski stated that if he (Mr. Christopher Forbes) came to one of the town council meetings early and play, he will donate \$200.00.

Mr. Flaherty asked if he could skip item 9 regarding Establishment of Public Facilities Advisory Task Force and return to it later in the evening and move on to item 10. There were no objections.

**April 15, 2013**

**PROPOSED AMENDMENTS TO THE ZONING MAP MU1 and MU2  
DISTRICTS PUBLIC HEARING AND SECOND READING ON THE  
ZONING MAP AMENDMENT**

Mr. Robert Ericson, Town Planner made a presentation on what to do with a piece of property that is owned by the town and his

recommendation is instead of making it MU1, make it open space referring to the Zoning Ordinance MU1/MU2 map and reviewed the issues that were raised and he explained what and what cannot be developed in those areas. He commented that this has been a very good exercise to see how best to use this land so that it is developed at a higher design level and more pedestrian use and this proposal would provide a buffer for Lincoln Drive.

Mrs. Carol Nasuti of 5 Lincoln Drive referred to plat 005, lot 471 of the map that abuts Lincoln Drive and St. Paul Street asked if that company is residential and she would like it to remain residential.

Mr. Ericson replied yes and now it is separated from the rest of MU1 and it probably won't be developed anyway.

Mrs. Nasuti continued to ask if plat 005, lot 054 would be open space. She wanted to confirm that plat 006 lot 002 is where the office condos are and that would be neighborhood business going to MU1.

Mr. Ericson replied yes.

Mrs. Nasuti also asked about the ATP the old Tupperware building plat 005 lot 029.

Mr. Ericson stated it is manufacturing and wants to make it MU2 because the building has no conversion use for MU1.

**Mr. Scott Gibbs of 60 Maple Avenue, Forestdale asked about the parcel that is town owned land what is being recommending by Mr. Ericson as open space. As he referred to the map, he stated that the parcel has frontage on the main road and he suggested to preclude the feature of the ability of the town subdivide a small section for future development as well as an opportunity to make some revenue for the town and that in any way would not impact Lincoln Drive. He asked what are the setbacks for the MU1 zone for the yard setback requirement because they may want to consider for those parcels that abut that proposed open space plan that the rear yard setback requirement be waived so there can be more development for those parcels since the building would not be close to anyone on Lincoln Drive. He is looking at maximum of the development potential on those parcels that would remain for that development given that is what the redevelopment zone is and what the MU1 is all about.**

**Mr. Ericson referred to the area on the map to what Mr. Gibbs was discussing and stated that the area gets steep, he doesn't think that it is over 15%. The larger issue is once the town acquires open space what are the expectations of people in terms of its ultimate disposition. Putting in a conservation easement isn't perpetuity that can present a problem if the town had a better use for it. In this case the town is not bound by its own zone ordinance, so if it is put in open space, there would still be options left if they were town generated. He stated that when they get into a very basic area, when**

the town acquires land for open space but then uses it for something else. He continued to discuss the options for open space in certain sections of the map.

Mr. Flaherty suggested a scenario that they pick up open space somewhere else in MU1 as part of the development that may offset the loss that may occur along the road frontage.

Mr. Ericson commented that if the town acquires open space, they have the option to see it as they see fit. You can't use it as a conservation easement because that would preclude everything. Since the town isn't bound by zoning, he would continue to recommend the area he was discussing to open space.

Mr. Flaherty stated that the town always reserves the right to do what it pleases on that.

**April 15, 2013**

Mr. Ericson commented that the town can rezone its own property a lot easier than it can anyone else's property.

Mr. Zwolenski agreed that the residents living in the area would want a buffer and he would like to see it go to open space and commented that it is steep in the area and so it may be precluded for redevelopment.

**Mr. Gibbs commented that the advantages are really not knowing what is going to happen on the other parcels that can become part of the overall development plan and can allow for greater development, not necessarily in the one parcel but if it is combined with another parcel that was discussed it would allow for greater flexibility. His point would be that it be consistent with the redevelopment plan it is all part of the streetscape. The purpose of the streetscape is to create an urban village. He understands what Mr. Ericson is saying but cannot split them without going through a subdivision. He feels that the immediate issue is the town cutting off all sections of a parcel that has potential development and it does not impact Lincoln Drive at all. If the land that is being discussed is set aside as open space, they still would want to maximize the development of potential of those parcels that are left and if they have a rear yard setback requirement and if it is a piece of land that cannot be built, why not look at eliminating that setback requirement to get a greater development intensity in this process.**

**Mr. Ericson stated when you have land that you can combine with an existing parcel you can gain percentage of lot coverage even though you don't develop on it. Even if you sold a piece of land or include it in the lot he is referring to, they would still be eligible to increase the percentage of lot coverage for that property.**

**Mrs. Diane Wojcik of 7 Lincoln Drive stated that in reference to the**

same lot, there is a right of way across at the bottom of her driveway and asked if the town was planning on doing anything or are they going to develop a path or walkway or anything when Branch Village is developed?

Mr. Ericson replied no not to his knowledge and doesn't know what he would do.

Mr. Keith Malo of 16 Lincoln Drive stated he has some concerns when he spoke with Mr. Ericson a few weeks ago since his land abuts lot 471 and it is literally in his back yard and does not have a huge concern if it stays residential.

Mr. Bob Thurber of 20 Brian Avenue asked if big box retail is prohibited in the MU1 and MU2 areas.

Mr. Ericson stated that yes it is.

Ms. Caroly Shumway of 76 Great Road commented that she was part of the original Branch Village Revitalization Task Force and asked that in the visioning process and while at this point, there was some discussion that there would be a canoe or kayak put in the Branch River area. She expressed that it would be worth keeping in mind and that she wouldn't want them to preclude this for having use of Branch River to create a vibrant urban scene.

**Mr. Flaherty referred to plat 005 lot 479, he explained that they successfully got a grant from DEM to develop.**

**Mr. Ericson explained that the area is about 15 acres and the Brickle family is interested in donating it to the town. He referred to the map and pointed out the area of where to have paths and have a canoe launch. There was a grant that went back to 2008 to establish a manmade wetlands area. Unfortunately, after they received that grant it had a significant contribution of DPW labor for the 40% match and they lost the waiver and had a further complication for the area it was needed to solve this problem. They did not want to do a design that would deplete the town and from solving the problem mentioned if they needed to go down that way. They would be very much interested and since they returned the money in doing it for the future once the sewer and septic issue is figured out.**

**April 15, 2013**

**Mr. Flaherty asked if the funds were officially given back.**

**Mr. Ericson stated that they did return the money but they can get it back in the future. They took the land because it was part of a match and he stated that he is currently maxed out for all the grants they have. He could still acquire the land from the Brickle family but he would like to do in conjunction with creating a match because it's valuable for that purpose.**

**Mrs. Nasuti asked if there was a superfund site on that piece of**

**property that Brickle has and if so does the town have liability?**

**Mr. Ericson stated no and he explained that the only contaminate was from the wool that what was used in that area but have since been filled in.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted on a 4 to 0 aye vote to close the public hearing.**

**Mr. Ericson suggests that there are three subsidiary amendments based on the map provided and that lot 029 be MU2, lot 054 be open space and lot 471 remain residential.**

**Mr. McGee commented that he would like to leave open space out of it and keep everything else since they are not doing anything with it right now.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a roll call vote to have lot 29 as MU2.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a roll call vote to have lot 471 retained as residential.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a roll call vote to have assessors plat 005, lot 054 become town owned open space.**



**MOTION by Ms. Alves, seconded by Mr. Zwolenski and voted unanimously on a roll call vote to accept zoning ordinance map on MU1 and MU2 as amended.**

**BRANCH VILLAGE SEWER PROJECT - Sewer Commission Recommendations for Branch Village**

**Mrs. Mariellen Sheridan of 7 Duane Court, the Chair, and Mr. Russell Houde of 72 School Street, Secretary of the Sewer Commission, were present to talk about the alternatives that was previously approved by the town council from the Sewer Commission's recommendation to look at alternatives to sewerage Branch Village for the town redevelopment and in response for the Department of Environmental Management problems in the area. The following motion was made at the March 20, 2013 sewer commission meeting. It reads as follows:**

**"Motion by Ken Murphy, seconded by Russell Houde, Jr. and voted unanimously on a 3 to 0 aye vote to recommend to the Town Council and discuss Alternate 2 that should be the one to be considered and to take into account a reasonable cost. And to have the costs per equivalent dwelling units (e.d.u.) being considered in subsidizing the costs of \$18k-\$20k and investigate the possibility legally and render an opinion by the Solicitor." The Sewer Commission would like to recommend to the town council Alternate 2 with a cost of \$3.6m, the Project Engineer, Mr. James Geremia presented this option to the Town Council in February of 2013 and includes approximately 69 e.d.u.'s which comes out to a cost of \$52,367.00 per e.d.u. The sewer**

ordinance costs must be divided by the number of e.d.u.'s and that is how they came up with the cost per e.d.u.

Mr. Houde is a new member to the Sewer Commission as of January 1, 2013. What the commission is looking at for the spirit of what the town is trying to accomplish is to develop something for Branch Village is to come up with the five (5) alternatives that allows and solves the known problem at Andrews Terrace and also the general problem along Great Road with the onsite wastewater treatment systems as well providing sanitary sewer as well as provide sewer to the Branch River area. He distributed colored maps from Mr. Geremia's presentation that

April 15, 2013

he made at the Sewer Commission meeting and gave copies to the town council and referred to them several times. The Sewer Commission proposed Alternate 2. He explained and mapped out of where the sewers would go under alternate 2 proposal and stated that Andrews Terrace would be gravity fed and explained that it is a reduced version of Phase II off of Great Road area. There would be a low pressure sewer that would collect along from Branch Avenue and drain into gravity system proposed sewer on Great Road and tying into the sewer system and from the pump station a new six-inch force main that Mr. Geremia proposed that would pump the waste water that would flow by gravity all the way to the existing Branch River pump station. During Mr. Geremia's presentation, he stated that the

problems existed is that Great Road is a State highway and the roadway restoration is roughly 30% to 40% of the construction cost. He believes that the pump station was itemized at \$700k. It would have had the capacity to service the entire original Phase 2 area. It isn't downsized. Mr. Geremia estimated that they probably would save between \$200k to \$300k by downsizing the pump station which loses capacity for future development of this drainage area. Keeping with the overall goals that the town wants to do in developing this area and solve the Andrews Terrace sewer problem, Alternative 2 is what the Sewer Commission recommends and find it most appropriate. This would allow for sewers up on St. Paul Street and Lincoln Drive in the future.

Mr. Flaherty stated that this option does not include or take into account the ATP site. He asked if they see that as a significant road block and maybe they should be having a discussion about.

Mrs. Sheridan replied that was in one of the alternatives and that brought up the price quite a bit more because it crosses a State road as well as the bridge and would only be picking up a small amount of e.d.u.s there and commented that it didn't make any sense to go that way. The Sewer Commission felt that Alternate 2 is the most feasible to go with the redevelopment in which also helps with the DEM problems.

Mr. Flaherty stated that the less expensive alternatives did not

**provide the opportunity for the town to get economic development.**

**Mr. Houde stated that yes, alternative 2 was the minimum to where the town would gain some benefit from economic development.**

**Mr. Flaherty agreed and that it is the least expensive alternative to afford that option for economic development.**

**Mrs. Hamilton commented that there are currently some violations on St. Paul Street that will need to be addressed in a very short period of time. She gave credit to the Sewer Commission with planning ahead as opposed to downsizing the pump size right now to back out some immediate costs would cause a potential challenge in the distant future.**

**Mr. McGee doesn't feel that the town is getting a lot for the amount of \$3.7m for what is being spent. He suggested going gravity feed, for \$700k and bring it up on Branch. That would take care of most of the area and could do this at a time when the roads are open which would help with the 40% from the road costs. A less expensive option he suggested is in the next ten years, the roads might be worked on and it would be much less and having it sit there for ten years and paying all of this money for nothing. He wants to fix what is needed now by gravity feed which is the lowest cost and takes care of the immediate problem and a stepping stone to the rest of it when they need it so money isn't being wasted. The gravity feed would go from Brickle's**

property up to the end of Branch Avenue and the cost would be \$400k.

Mr. Russell Carpenter pointed out that the scenario they were looking at the cost price it was all for low pressure, not gravity. For scenario 4 it was all E-One grinder pumps.

Mrs. Sheridan stated that is why it came out to \$850k and there are 21 e.d.u.s but none of the e.d.u.s have been verified at this point.

Mr. Carpenter doesn't think that the \$750k is correct because gravity would cost a lot more to run down to that Branch station.

April 15, 2013

There were further discussions about the other alternates and what does the town want to do with the redevelopment and also connecting to a force main gravity fed connection in the Branch River area and Mr. Carpenter stated that Mr. Mark Nyberg did the grades and that it can be done.

Mr. McGee commented find out how much a gravity feed would be and then that becomes a stepping stone and get closer while waiting for the project to happen.

Mrs. Sheridan asked that it would be up to the town about what they want to do with the development.

**Mr. Flaherty stated that without economic development there is no town wide investment.**

**There was continued discussion on the various alternates and what would be the best scenario and what is less costly for the town and residents.**

**Mr. Flaherty stated that the town is going to have to step up for the infrastructure and that it isn't going to happen any other way.**

**Mr. Gibbs stated that when he used the 10 to 20 year window, he didn't mean that it would take 10 to 20 years for anything to happen. If you look at the project through it complete duration. He stated that without the sewer investments you're not in the game, you're out. He continued to say that he is deeply concerned about eliminating ATP from this project. He feels that this is a serious mistake eliminating ATP from any potential real serious redevelopment that it isn't the best interest for the town. His other concern is the existing sewer line on the Branch industrial park site and he asked if anyone has done a full analysis of that line and its capacity to handle for build out of Branch Industrial Park. Unless they know that, he feels that discussions are a little premature because they keep relying on that line being sufficient. He asked if the town is prepared to invest in a very real way in sewer structure which is a prerequisite for anything happening in that district. He suggested looking at all of the options**

on the fiscal impact side and have the redevelopment district plan that projects the build out and projects a certain tax upside to that. He explained that you would need to look at the assumptions from that development and the investments that need to be made now on a sewer infrastructure to pay that way, but they are looking at the analysis based on the e.d.u.s and not about the future economic development potential. He suggested taking a look at the economic development argument and analyze that before making the final decision on what options they are going to go with on the sewer improvements.

Mr. Flaherty asked Mr. Gibbs what would be the next step in making that evaluation.

Mr. Gibbs stated that based on the sewer commission's numbers, he offered to take a look at the redevelopment district plan and what it projects and do a fiscal impact analysis and he stated that what the analysis is going to have to have imbedded in it is certain assumptions and those assumptions are and when can development be reasonably expected and reasonable assumptions and see what the bottom line is or make assumptions over a 10 to 20 year period for the town and use that basis to look at various investment options the town is looking at in terms of sewer investments.

Mrs. Sheridan suggests referring back to the Phase 1 and Phase 2 plans to find all of the numbers and all of that work is already there, it

would just need to be verified.

Mr. Gibbs stated that he would be happy to make that analysis for a basis for making decisions going forward. He commented that he doesn't want to see ATP eliminated and feels that it could be a disastrous decision. He stated regarding that infrastructure, all of the roads and sidewalks have to be updated as well. It is all part of the image that they are trying to create in that district to make it competitive in the market place.

April 15, 2013

All members continued having further discussions on all of the alternate options.

Mr. Flaherty commented that he would like to see a single contact point person coordinating all of the details which currently they don't have. He commented without having a single point of contact coordinating all of the details referring to the flow chart that has all of the various tasks related to completing the projected listed and who is going to be responsible for it and when do they expect to get that kicked off. He had a concern regarding the State roads. They asked the Department of Transportation (DOT) to put that on the State Transportation Improvement Plan and the request was not approved for that. He suggested having them do the transportation engineering to get it on TIP. He suggested requesting from the DOT to waiver and



not have them do an immediate curb to curb and save that money and put it towards a more comprehensive transportation solution and do the engineering and get it on the State TIP list. He made the point that they don't want to spend the \$825k to repave curb to curb and then two years later, rip it up and do transportation improvements. He would like to have Mr. Geremia come to the next Town Council meeting. He requested from the Sewer Commission to revise Alternate 2 and get the estimate for including the ATP site.

Mr. Carpenter commented that back in 2009 a letter was sent to Mrs. Linda-Jean Briggs and in that letter it included the ATP building all the way up to Leeway and across the bridge. It has already been done. He stated that back in 2009, the cost was \$3.6m compared to what the costs are today. It was for the whole thing including the pump station and all the way up to Mendon Road.

Mr. Flaherty feels that he would still want to have one single point of contact person and who has ownership to coordinate all of the details. He prefers a staff person and not a volunteer.

Mr. Houde stated that Mr. Geremia is the design engineer and has most of the answers to many of the questions. He suggested having Mr. Geremia attend a town council meeting and they then could ask him specific questions and have some direction.

Mr. Flaherty recapped that there is a consensus of what is agreed

upon and that a plan out of reach the ATP site and that there seems to be in agreement on the town would have a town wide investment and unsure of what that number will be yet but they will try and narrow that down. And they were going to hear next on the options for how the town would pay for a timeline on a town wide investment and also Mr. Gibbs is going to provide some level of economic development analysis that would substantiate an investment of the amount required to run the next project.

Mr. Gibbs stated he'll provide more information and help in guiding in their decisions.

Mr. Flaherty noted that the current sewer ordinance as it is written does not allow for what they are discussing now and there is no provision at this time and it is in the process of being amended.

Mr. Ericson stated that based on all of the information they are revising the EDA application for \$1.8m and in Branch Village 78% of the value is going to come out of Brickle subdivision and they are completely covered and they have an 18 inch line over there and across parallel to the railroad tracks and they use Crossman Engineering and the town uses Geremia Engineering but the \$1.8m has to be used for economic development and where is it going to come from.

Mr. Flaherty asked what the time frame is on that.

**Mr. Ericson stated it is June 13.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote at 10:00 P.M. to extend the meeting to 10:30 P.M.**

**Mr. Thurber feels that there should be a referendum put out to the town and ask if they want this as an investment and it should be paid by**

**April 15, 2013**

**everyone in the town and he thinks it should be up to the entire town to make that decision not the Town Council. He also informed them that a lot of the properties in the area that they are talking about are two family homes that would increase the e.d.u.s. He feels that there should be some way to address the people's problems in Andrews Terrace that need immediate help and the Branch Village redevelopment will take one to two years and the people in Andrews Terrace need help now and would like to consider his suggestions.**

**Mr. Flaherty stated that the issue with time that Andrews Terrace has is a function of DEM and the Town Administrator has been in constant contact with DEM and she informed them of where they are in the process. His sense is that they are going to continue to work with the town as long as they are making progress on getting this done and he doesn't think there are going to be any risks or any**

evictions if the project isn't done for another 12 to 16 months to complete.

Mr. Steve Maceroni from Public Financial Management who works with the town on capital projects was asked to prepare some numbers on the projects for the \$3.6m and what the impact would be on the town. He explained what the process is when using a general obligation bond and what the cost would be over 20 years. He noted that there are two problems, one is the residential problem and the other is the economic problem and to generate some business. Essentially he suggests going down two separate paths, and want to correct the existing problem but he stated that there are vehicles that are out there that can also help the town generate economic development and to defer costs. He continued to break down the numbers on what the cost would be for the town including the number of e.d.u.s and discussed the town's enterprise fund and how monies can be used from both the general fund and the enterprise fund. He stated that there would have to be a plan of what the expected economic development would be.

Mr. Flaherty stated they do not have an alternative plan to react to at this time and asked what would be the recommendation for the next step on funding.

Mr. Maceroni stated that the next step on the financing is easy, it is the repayment of the financing that is a challenge and the policy

decision that the council has to make. There will be policy decisions to see if the council wants to take a certain percentage out of the general fund and the enterprise fund that the council will have to make in the future.

He stated that the cheapest way to borrow money for sewer projects is through RI Cleanwater and the town would get a subsidiary off a third of the interest rate but would still have to go through the process of RI Cleanwater.

Mr. McGee expressed that he is frustrated about the sewer problem with Andrews Terrace and the town can't take care of. He doesn't think that the Branch Village new development will ever happen in the near future for the Li'l General area according to the plans he saw. He feels that there will be some change on the Brickle property but there are immediate problems that need to be taken care of on Andrews Terrace. He suggests having a gravity feed which takes care of the need at the end of Branch Avenue and takes care of the area up through Brickle's property.

Mr. Flaherty commented that they need to demonstrate to DEM that they have a viable plan that the town supports and they will be taking action against the folks who live on Andrews Terrace and that he doesn't want to see that happen. He thinks they put forth a proposal that makes sense for the town that he is supporting. He feels that there are decisions that need to be made and he is prepared to act on

them.

Mr. Zwolenski agrees with Mr. Flaherty with assigning a point person but questions whether or not to ask the town residents to subsidize.

Mrs. Nasuti does not agree with running a sewer line to the ATP building and feels it would be a benefit to them and feels that they have not done anything positive for the town. She has concerns about

April 15, 2013

the current engineer and noted that there hasn't been an RFP put out in decades and has concerns and questions the number of e.d.u.s and construction costs for this project. She commented that if Branch Village is going to be a benefit to the entire town, it isn't just going to benefit those people who have sewers then it should be a benefit for the entire town and that the entire town should pay for the Branch Village infrastructure and commented that it would benefit all the people of the entire town not just the sewer users.

Mr. Jay Freitas of 110 Homestead Avenue, a member of the Redevelopment Agency stated that he is for redevelopment. He feels that it should be done right and made the point that there has to be something there to get the money and have to show that they have intent. He agrees with getting more information first before making a decision by the council.

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote at 10:30 P.M. to extend the meeting to 11:00 P.M.**

**Ms. Christine Carey of Andrews Terrace requested to be cc on all correspondence sent to the Department of Environmental Management (DEM).**

**Ms. Hamilton made note and acknowledged Ms. Carey's request.**

### **SOLAR PROJECT PROPOSAL BY FRIENERGY - PRESENTATION**

**Mr. Jim Barrett, President of FRIEnergy are an active sole developer in Rhode Island and have looked at a piece of property at the end of Pomona Street of 40 plus acres which has conservation restrictions that they are working on and feel they can bring value to the property with no additional infrastructure to the town, increase the town's tax base and lease that property for the next twenty (20) years. They would enter into a twenty (20) year agreement to sell power at a fixed rate that doesn't move because their energy rate that doesn't have a fuel cost would not increase like National Grid. They would provide the town with a static energy price that would remain constant for the twenty year period and then they would turn over ownership project to the town so then the next ten years would be live for that project and then recondition it after its useful life into a new project if the town should choose. He stated that the project has a thirty (30) year useful life and would turn it over to the town in year twenty (20) and**

they would replace the inverters in the year 2015 and the panels have a twenty five (25) to thirty (30) year warranty and when it is turned over to the town, it will have another ten (10) years of life remaining.

Ms. Hamilton is working on trying to release some of the restrictions that were placed when the town took it over as open space and at this point it would prohibit the use for just about anything and she is working with the developer and to have the town accept it with all of the restrictions and to try and work out removing some of the restrictions that will allow a solar farm to be placed there.

Mr. Barrett stated that it is four feet tall, it doesn't move or make any noise or have any reflection.

Mr. Ericson stated that it isn't a conservation easement it is a restriction that normally goes for residential properties saying they are going to build a house and the restrictions should have never been put on there as open space. This should have not been put on in the first place and the developer realized a mistake was made.

Ms. Hamilton is requesting from the council to continue to work at that end and feels that it is a very viable project.

Ms. Hamilton requested that the town council would like to see the plans of the entire conceptual plan.



**Mr. Barrett stated that they would not provide a full size set of conceptual plans without having to select an option first.**

**Ms. Hamilton would request the solicitor to look at the lease.**

**April 15, 2013**

**PROPOSED ZONING ORDINANCE AMENDMENT SECTION 6.12  
WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT  
SYSTEMS, OWTS BUILDINGS AND IMPERVIOUS SURFACES**

**Mr. Ericson stated that there were subsidiary motion amendments made on the proposed ordinance at the last meeting. They reviewed and can add the subsidiary votes at tonight's meeting and add to it. There was discussion on those changes.**

**Ms. Lorraine Joubert from the University of RI read the motions in detail last month and there was some discussion but not voted on.**

**Mr. Ericson asked to go through the ones that were proposed but not a subsidiary motion and can add them now.**

**Ms. Joubert stated that some of the proposed changes from the last meeting that was discussed but not voted on were: "Section 6.12.2, section 4, sub-section 1, and this proposal was to add from the Department of Environmental Management." She also stated that**

they needed to add instead of date of passage in the previous section under section 3, second line to substitute the date of passage, instead place the actual date not the date of passage so if it was approved today, it would be today's date.

Mr. Ericson clarified that date of passage is distinguished by the law of when it takes effect. The ordinance in the Charter takes effect 20 days after it is approved by the town council and that is the end of the posting period which would be 20 days after passage.

Ms. Joubert referred to deleting the following: "Section 5C Total impervious surface coverage shall not exceed those specified in Section 6-12.7(b) because there was no need to have impervious surface in that section because and changing Section 6-12.27 and re-numbering the subsequent sections. In Section 7-A.1, requesting to remove the underline for definition category 1 as defined by RIDEM and also remove the underline with system type category 2. For part 5, All installations of Advanced OWTS Treatment technologies, for any other OWTS with mechanical components. And listed under B 1, delete "Not exceed 15 percent for lots with single family dwellings, and 25% for other uses such as driveways, pools and accessory structures except that in sewerred areas the impervious cover and it should read total impervious cover shall be reduced to the maximum extent practicable using Low Impact Development (LID) methods as specified in the RI Stormwater Design and Installation Standards Manual and supporting guidance documents (as amended) and shall

**not exceed the maximum allowed within a given district.”**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a 4 to 0 aye vote to recess item XIII Proposed Zoning Ordinance Amendment Section 6.12 Wetland Setbacks for Onsite Waste Water Treatment Systems, OWTS, Buildings and Impervious Surfaces and address all other items and return back to this item later in the meeting.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and voted unanimously on a 3 to 1 vote with Mr. McGee voting no to suspend the town council rules to extend the meeting past 11:00 P.M.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and voted 3 to 1 with Mr. McGee voting no on an aye vote at 11:00 P.M. to extend the meeting to 11:30 P.M.**

## **CONSENT AGENDA**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote to approve the following: 1.) Minutes of April 1, 2013, 2.) Budget Committee Minutes of March 13, 20, 23, 27 and April 1 and 3, 2013, 3.) Historic District Commission Minutes of February 27, 2013, 4.) Sewer Commission Minutes from February 13, 2013, 5.) Animal Control Monthly Report for March 2013, 6.) NSF&RS Inc. Monthly Incident Report for March 2013, 7.) NS Police Dept. Monthly Activity Report for March 2013, 8.) NS Municipal Court Monthly**

**Activity Report for March 2013, 9.) Resolutions from the Towns of Charlestown, Foster, Hopkinton, Jamestown, Middletown and City of Newport re: Opposing Mandatory**

**April 15, 2013**

**Binding Arbitration Legislation for Teacher, School Employee and Municipal employee Contracts, 10.) Resolution from the Towns of Hopkinton, Jamestown, Middletown and City of Newport re: Opposing Contract Continuation Legislation, 11.) Resolution from the City of Woonsocket re: To Maintain Tax Credits Under the Jobs Development Act to CVS Caremark, 12.) Resolution from the Town of Charlestown re: Opposition of Municipal Notice Registry, 13.) Resolution from the Town of Charlestown re: Objecting to the Dry Lands Bill, 14.) Resolution from the Town of Charlestown re: Objecting to the Onsite Wastewater Treatment System Bills, 15.) Resolution from the City of Newport re: Establish Procedures Allowing Municipalities to Permit Remote Participation at Meetings, 16.) Resolution from the NS School Committee re: Bus Monitors.**

## **PAYMENT OF BILLS**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on an aye vote to approve payment of the following: General Fund - \$188,264.64; Sewer - \$184,240.00; Water - \$45,671.57; School Department \$1,498,072.00; and Fire Department - \$195,147.00 for a**

**total of \$2,111,395.21 based upon the recommendations of the Finance Director and the Town Administrator.**

#### **PROPOSED ORDINANCE RE: CHICKEN HENS**

**Ms. Hamilton requested postponing this item due to several of the people who were here earlier have since left the meeting.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted 4 to 0 on an aye vote to continue the Proposed Ordinance re: Chicken Hens to the May 20 meeting.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted 4 to 0 on an aye vote to continue the discussion on Establishment of Public Facilities Advisory Task Force to the May 6, 2013 meeting.**

#### **CONTRACT WITH TOWN SOLICITOR**

**Mr. Flaherty stated this proposed contract was requested by the town council and the reason was there was never a written agreement outlining the solicitor's duties and what services get performed over and above their regular services.**

**Mr. Zwolenski asked if there was a cap when the Town Solicitor shall be allowed to retain outside Council to handle services not within the retainer. In areas of specialty, the fee may exceed the hourly rate of \$150.00.**

**Town Solicitor Lombardi, stated that there was not a cap. He explained that in different specialties for legal relations, there is a higher cost for that or something he doesn't have experience in, possibly they may need someone for labor relations. He stated that he will use his best judgment and try and keep the cost as low as possible.**

**Ms. Alves asked why didn't it start as of December 1, 2012.**

**Town Solicitor will correct the date, to December 1, 2012 at the beginning of the term of the agreement. He noted that any extra time he put in for December or January he did not bill for those months. He attended a meeting for a deposition and a meeting on the school well that he did not bill for. He reviews agendas and advises various boards and commissions that he has not billed for.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to accept the contract as amended and authorized by the Town Administrator and the Town Council President to execute this agreement that the Town Solicitor has amended to reflect entering into on the 1st day of December, 2012.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and voted 4 to 0 on an aye vote to continue to the next town council meeting on May 6, 2013 regarding the following Appointments to Boards and Commissions; 1.) Planning Board 2nd Alternate a.) One-year term, 2.)**

**Sewer Commission a.) One 5-year term that expires 12/1/2016, and 3.) Zoning Board 2nd Alternate a.) One 1-year term that expires 12/1/2013.**

**April 15, 2013**

**AWARD OF BID FOR FENCING/GATING FOR COMSTOCK WATER STATION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on a roll call vote to award the bid for the fencing and gating contract for the Comstock Water Station based on the Water and Sewer Department's recommendation to New England Fence in the amount of \$10,987.00.**

**AWARD OF BID FOR POLICE DEPARTMENT RENOVATIONS**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves to award the bid for Police Department Renovations to Scott Quinn Construction in the amount of \$45,000.00 based on the Administrator's and Chief of Police's recommendation.**

**Ms. Alves questioned if the bill should be on a letterhead from Quinn Construction Company.**

**Mrs. MacDonald stated she will get one that has his letterhead and have it signed.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on a roll call vote to award the bid for Police Department Renovations to Scott Quinn Construction in the amount of \$45,000.00 based on the Finance Director, Administrator's and Chief of Police's recommendation.**

**AWARD OF BILL FOR PURCHASE OF A  $\frac{3}{4}$  TON TRUCK**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves to award the bid for a  $\frac{3}{4}$  Ton Truck based on the recommendation of the Public Works Director, the Administrator and the review of the town Finance Director to Tasca Automotive Group for \$34,059.00.**

**There was discussion in regards to Flood Ford of EG's bid.**

**Mrs. MacDonald indicated that there was a typographical error on the bid memo which should have been for \$34,550.00 not \$33,550.00.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 4 to 0 on a roll call vote to award the bid for a  $\frac{3}{4}$  Ton Truck based on the recommendation of the Public Works Director, the Administrator and the review of the Finance Director to Tasca Automotive Group for \$34,059.00.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to continue the following items to the May 6th meeting; d.) Re: Bus Monitors—Mr. Flaherty; e.) Use of Rock**



**Salt/Ice Melt–Mr. McGee; and f.) Appointment of Town Council Liaison to Public Safety–Mr. Zwolenski.**

**Mr. Flaherty Requested to return from a recess on the PROPOSED ZONING ORDINANCE AMENDMENT SECTION 6.12 WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVOUS SURFACES – Public Hearing on 2nd Reading**

**Mr. Ericson referred back to the text of the ordinance, stating that the first change is in Section 6.12.2(3) adding in “Subsection (1) of this section shall not apply to any replacement, major repair, alteration or modification of a system or facility which exists 20 days after the Date of Passage of this Section. In Section 6.12.2(4) adding from the Planning Board or from RIDEM.”**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on a aye vote to add in exists 20 days in Section 6.12.2(3) and add in from RIDEM in Section 6.12.2(4) to the Proposed Zoning Ordinance Amendment.**

**Mr. Zwolenski read the following under “Section 6.12.2.(7) A 5 to include or any other OWTS with mechanical components, shall include a continuous Operation and Maintenance. Under Section 6.12.2. (7) B 1 Total Impervious cover shall and deleting the following: not exceed 15 percent for lots with single family dwellings, and 25%**

for other uses such as driveways, pools and accessory structures except that in sewered areas the impervious cover and add be reduced to the maximum extent practicable using Low Impact Development (LID) methods as specified in the RI Stormwater Design and Installation Standards Manual and supporting guidance documents (as amended), and shall not exceed

April 15, 2013

the maximum allowed within a given district and deleting lot building coverage.”

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to change the following: Under Section 6.12.2 (7) A 5 to add in or any other OWTS with mechanical components and under Section 6.12.2 (7) B 1, delete “not exceed 15 percent for lots with single family dwellings, and 25% for other uses such as driveways, pools and accessory structures except that in sewered areas the impervious cover and add in be reduced to the maximum extent practicable using Low Impact Development (LID) methods as specified in the RI Stormwater Design and Installation Standards Manual and supporting guidance documents (as amended), and delete lot building coverage allowed within a given district.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to change the following: Under Section

**6.12.2 (7) D. Storm Water Controls and OWTS Location, Stormwater runoff shall be diverted from any OWTS, also there shall be a minimum fifteen (deleting ten) foot horizontal separation distance between any OWTS drain field and the edge of any storm water infiltration system, (and adding) or as otherwise required by the RI Stormwater Design and Installation Standards Manual and supporting guidance documents as amended.**

**MOTION Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to change the following: Under section 6.12.3 (7) to delete ordinance and add the word section in place of ordinance.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to change the following: Under 6.12.4 on the fourth line, insert the words or transfer to read “Within 12 months after the sale or transfer of a property.” The next paragraph after Jan. 1, 2013, delete the line “or other date proposed by Town Council.” The third line down of the same paragraph, add “June 1, 2013” and the third line from the bottom of that same paragraph add “June 1, 2013”.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to change the following: Under Section 6.12.5, deleting “Source: Rhode Island Department of Environmental Management, 2001. Guidelines for the Design and Use of Bottomless**

**Sand Filters. (Accessed May 3, 2007).” Also under Nitrogen Reducing System where it states “RIDEM Innovative or Alternative ISDS Technologies List add in “as amended” and delete (Accessed May 3, 2007 and deleting the website <http://www.dem.ri.gov/programs/benviron/water/permits/isds/index.htm>).**”

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to continue the public hearing and the second reading to the May 6th meeting and place the item of the public hearing at the top of the agenda.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to adjourn at 11:27 P.M.**

**Respectfully submitted,**

**Patricia A. Paul, Deputy Town Clerk**